

assigned to the Portland Division of the FBI and have been assigned to assist with the investigation surrounding the January 2016 occupation of the Malheur National Wildlife Refuge (MNWR), a federal wildlife refuge operated by the United States Fish and Wildlife located south of Burns, Oregon.

4. This affidavit is intended to show only facts pertinent for the requested motion and does not set forth all of my knowledge about this matter.

II. RELEVANT FACTS

5. On January 2, 2016, and continuing through February 11, 2016, several individuals to include Dylan ANDERSON, Sandra ANDERSON, Sean ANDERSON, Jeff Wayne BANTA, Jason BLOMGREN, Ammon BUNDY, Ryan BUNDY, Brian CAVALIER, Blaine COOPER, Shawna COX, Travis COX, Duane Leo EHMER, Eric Lee FLORES, David Lee FRY, Wesley KJAR, Corey LEQUIEU, Kenneth MEDENBACH, Joseph O'SHAUGHNESSY, Jason PATRICK, Ryan PAYNE, Jon RITZHEIMER, Jake RYAN, Pete SANTILLI, Geoffrey STANEK, Darryl William THORN, Neil WAMPLER, and others participated in the illegal occupation of the Malheur National Wildlife Refuge (MNWR).

6. As a result of the occupation, all of the above named individuals were charged with conspiracy to impede by force, intimidation, or threat, officers of the United States from discharging their duties in violation of Title 18, United States Code, Section 372. Some of the above named individuals were also charged with possessing a firearm and dangerous weapon in a federal facility in violation of Title 18, United States Code, Section 930(b); with theft of government property in violation of Title 18, United States Code, Section 641, and/or depredation of government property in violation of Title 18, United States Code, Section 1361. Charges against Pete SANTILLI were subsequently dismissed. *United States of America v. Ammon Bundy, et al.*, was assigned case number 3:16-CR-00051-BR.

7. On February 25, 2016, the Honorable Anna J. Brown, United States District Judge, District of Oregon, ordered the government to provide discovery to the defendants. The first volume of discovery materials was provided to defense counsel on March 4, 2016. Fifty

total volumes of discovery materials were provided from March 4, 2016, to October 13, 2016.

8. On March 9, 2016, Judge Brown entered an Interim Protective Order, court record 288, which stated that defense counsel may provide copies of discovery only to individuals further described in the order.

9. On March 24, 2016, Judge Brown entered the final Protective Order, court record 342, which stated defense counsel may provide copies of discovery only to: 1) The defendants in this case; 2) Persons employed by the attorney of record who are necessary to assist counsel of record in preparation for trial or other proceedings in this case; and 3) Persons whom defense counsel deems necessary to further legitimate investigations and preparations of this case.

10. The Protective Order further ordered that defense counsel shall provide a copy of the Protective Order to any person who receives copies of discovery and that any person who receives copies of discovery from defense counsel shall use the discovery only to assist the defense in the investigation and preparation of this case and shall not reproduce or disseminate the discovery material to any other person or entity. The Protective Order applied only to 1) statements by witnesses and defendants to government officials, 2) sealed documents, and 3) evidence received from searches of electronic media. A copy of the final Protective Order, court record 342, is attached to this application.

11. Every document provided to defense counsel in discovery was marked in the lower left hand column "Dissemination Limited by Court Order" and was marked in the lower right hand corner with a Bates number in the following format: "MNWR_000000." The entire discovery production was marked from MNWR_0000001 to MNWR_0069647. The discovery documents were primarily provided in Portable Document Format, commonly referred to as PDF. Because PDF documents that contain text are not text-searchable, the discovery materials were also converted into a second format using Optical Character Recognition or OCR. The text document that comes as an output from the OCR conversion can be copied on to any word or text processing application.

12. Volume 41 of discovery was provided to defense counsel on or about July 1,

2016. Contained in Volume 41 were 130 FBI reports containing Confidential Human Source (CHS) information and the majority were reports completed on FBI form FD-1023. Based on my training and experience, I know that Form FD-1023 is the original reporting document for information provided to FBI Agents by a CHS. These reports document statements by witnesses to government officials as described in the final Protective Order. The 130 reports consisted of 246 pages and will collectively be referred to as the "CHS Discovery" for this affidavit. All discovery materials, to include each of the CHS Discovery reports, were marked "Dissemination Limited by Court Order." The Bates numbers for the CHS Discovery reports were from MNWR_0059420 to MNWR_0059665. Each report contained areas which were redacted by the government.

13. On September 7, 2016, trial began for seven of the above named defendants. The trial concluded on October 27, 2016, and all seven defendants were acquitted of the charged conspiracy. Prior to the first trial, eleven defendants plead guilty. A second trial for the remaining seven defendants is scheduled to begin February 14, 2017.

14. On November 5, 2016, an article titled "Burns Chronicles No 39 – Informants – What to do About them" was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. The home page for the aforementioned website was titled "the Outpost of Freedom by Gary Hunt." This article addressed how the patriot community should deal with three informants identified during the first trial.

15. On January 28, 2016, an officer of the Burns Police Department (BPD), Burns, Oregon, made contact with a white adult male at the Silver Spur Motel, Burns, Oregon. This police contact was video recorded by the officers. During the contact, the BPD officer asked the individual for identification. This individual provided a business card which stated "Gary Hunt, Outpost of Freedom" and provided his address as 25370 2nd Avenue, Los Molinos, California.

16. I have spoken with Special Agent Matthew Catalano of the FBI Sacramento Division who has reviewed the above described BPD video. According to Special Agent Catalano the individual depicted in the above described police video was Gary HUNT, a white

male, 70 years of age, who resides at 25370 2nd Avenue, Los Molinos, California.

17. The “About Gary Hunt” page at <http://outpost-of-freedom.com/blog> states:

Gary Hunt was a Professional Land Surveyor. Having been the County Surveyor for Orange County, Florida from 1974 to 1978, he began private practice in 1978 and continued as such until 1993, when events in Waco, Texas caused him to leave his business in pursuit of restoring the Constitution.

In 1989, he began researching, investigating and studying history, law and events where the government was ‘pointing it’s guns in the wrong direction’. He began publishing a patriot newspaper, “Outpost of Freedom”, in February 1993.

Since that time, he has investigated numerous occurrences, including, Waco, the Murder of Michael Hill, Ohio Militia Chaplain, Oklahoma City Bombing, and other events. He has attended the sites to investigate the events, and has reported on his investigations.

He also writes articles about history, the government’s misdeeds, and, other subjects appropriate to the Patriot community. He has continued to report on his findings through fax networking and the Internet.

18. On November 15, 2016, an article by HUNT titled, “Burns Chronicles No 40” was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article alleges that AV was an FBI CHS and draws conclusions based on facts provided in the CHS Discovery. One passage of Burns Chronicles No 40 states the following:

Let’s get to the heart of the matter. To do so, I will be referring to FBI documents that I have obtained. They are marked, at the bottom left corner, “Dissemination Limited by Court Order”. So, let me make this perfectly clear — I have no intention of “disseminating” the documents, nor am I bound by any “Court Order”. I am writing about a Public Trial, which was held in September and October 2016. Had I access to these documents during that trial, I would have written the same article that I am writing now.

19. In paragraph 18, and all subsequent paragraphs, I have used the initials of the individuals HUNT alleges were FBI informants to protect those who may have been correctly identified by HUNT as well as those individuals who may have been incorrectly identified by HUNT. Based on my experience with this investigation, I know some of the defendants in this case and individuals associated with the defendants in this case have advocated for violence against federal employees, law enforcement, and/or informants. For example, following his

arrest on January 27, 2016, a digital camera was seized from Jason PATRICK. Pursuant to a District of Oregon, federal search warrant, the contents of the camera were searched. One video located on the camera depicted a group meeting at the MNWR subsequent to the arrest of Ammon BUNDY and others on January 26, 2016. During this meeting an individual stated to the group “(Let’s) regroup, get in, go find out who works for the Feds and start executing them. Execute them, their families, everyone. Make it a statement. If you work for those crooked fucks you’re going to die.”

20. Throughout Burns Chronicles No 40, HUNT published excerpts from five separate FD-1023 reports which were issued in the CHS Discovery as MNWR_0059420, MNWR_0059421, MNWR_59422, MNWR_0059424, MNWR_59426, MNWR_59429, MNWR_59433 and MNWR_0059434. I have reviewed HUNT’s article and the eight pages from the five FD-1023 reports which Hunt quoted and observed the quoted excerpts to be nearly identical to the text in the CHS Discovery in nearly all instances. One passage which was published by HUNT from MNWR_0059424 states: “Most individuals are carrying side arms and CHS has not seen any longrifles (sic), but knows they are there.” I have reviewed the CHS Discovery and observed the PDF of the original FD-1023 to correctly use “long rifles” in this passage. I also reviewed the OCR output and observed that “longrifles” was the text conversion produced by the computer software. Based on this and other similar examples in HUNT’s posts, I believe HUNT received both the PDF and OCR versions of discovery and HUNT is using a copy and paste function to distribute selected excerpts from discovery.

21. On November 16, 2016, an article by HUNT titled “Burns Chronicles No 41” was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article alleges that DD was an FBI CHS and draws conclusions based on three FD-1023 reports provided in the CHS Discovery. I have reviewed the CHS Discovery and observed the excerpts published by Hunt match reports which were issued in discovery as MNWR_0059469, MNWR_0059472, MNWR_0059474, MNWR_0059475, and MNWR_0059476. These CHS Discovery reports primarily discuss meetings conducted by a group of individuals self-identified as the Operation

Mutual Defense (OMD) Advisory Board (AB).

22. According to Burns Chronicle No 41, the OMD-AB was comprised of five members including Gary HUNT and Ryan PAYNE and the AB members had agreed to record the telephonic meetings which were then placed in a Dropbox folder. According to Burns Chronicle No 41, HUNT “had set up the Dropbox account and the mail-list group. The Dropbox is rather simple where only designated people have access and large files can be transferred up and down in the background.”

23. Near the conclusion of Burns Chronicles No 41, Hunt states the following: “As we continue through the documents, DD reports every detail of any possible action. Basically, he provided the minutes that he declined to prepare for the OMD-AB. He has 20 known and more possible reports. Those 20 constitute 41 pages of the 230 pages of 1023 reports. He is, perhaps, the most prolific writer of the informants.”

24. Also included in Burns Chronicles No 41 is an excerpt from an internal FBI document which was provided in discovery Volume 23, MNWR_0030175 and MNWR_0030176. This internal document was utilized to submit evidence to FBI evidence control related to CHS activities.

25. On November 20, 2016, an article by HUNT titled “Burns Chronicles No 42” was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article addresses the October 2016 testimony of an FBI CHS and cites information provided in the CHS Discovery. I have reviewed the CHS Discovery and observed the information published by Hunt to match four FD-1023 reports which were issued in CHS Discovery as MNWR_0059460, MNWR_0059461, MNWR_0059462, MNWR_0059463, and MNWR_0059465.

26. On November 22, 2016, an article by HUNT titled “Burns Chronicles No 43” was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article addresses the testimony of an individual who identified herself as an FBI CHS during the September/October 2016 trial. I have reviewed the CHS Discovery and observed the information published by Hunt to match four FD-1023 reports which were issued in the CHS

Discovery as MNWR_0059637, MNWR_0059638, MNWR_59640, and MNWR_0059644.

27. In Burns Chronicles No 43, HUNT also published an un-redacted FD-1023 that was inadvertently published in Volume 15 of discovery as MNWR_26498 on or about May 26, 2016. This un-redacted FD-1023 was the same report later published in Volume 41 as MNWR_0059638. HUNT published images of both reports side by side to illustrate the redaction process. Based on this fact, and other references in HUNT's posts such as those detailed in paragraph 24 above, I believe HUNT received not just Volume 41's CHS Discovery materials, but the entire production of discovery provided in this investigation in violation of the terms of the final Protective Order.

28. On November 25, 2016, an article by HUNT titled "Burns Chronicles No 44" was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article details HUNT's investigation into MM, a CHS identified in the September/October 2016 trial and cites information provided in twelve CHS Discovery reports. In this article, HUNT states: "When I obtained access to the CHS Reporting Documents (form 1023), it was simply a matter of matching dates, statement, etc., to determine which of those reports were from MM. This required communication with those who were at the Refuge, though not still in custody, to verify certain things that became key to unlocking the necessary proof of MM's role as an informant." I have reviewed the CHS Discovery and observed the information published by Hunt to exactly match twelve FD-1023 reports which were issued in the CHS Discovery as MNWR_0059605, MNWR_0059607, MNWR_0059609, MNWR_0059612, MNWR_0059613, MNWR_0059615, MNWR_0059616, MNWR_0059617, MNWR_0059620, MNWR_0059621, MNWR_0059624, MNWR_0059625, MNWR_0059627, and MNWR_0059629.

29. On December 19, 2016, an article by HUNT titled "Burns Chronicles No 47" was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article alleges RS was an FBI informant and publishes information from approximately thirteen CHS Discovery reports. I have reviewed the CHS Discovery and observed the information published by Hunt to exactly match FD-1023 reports which were issued in the CHS Discovery as MNWR_0059520,

MNWR_0059524, MNWR_0059526, MNWR_0059527, MNWR_0059529, MNWR_0059530, MNWR_0059533, MNWR_0059534, MNWR_0059535, MNWR_0059537, MNWR_0059540, MNWR_0059544, MNWR_0059546, MNWR_0059547, and MNWR_0059554.

30. On December 22, 2016, an article by HUNT titled “Burns Chronicles No 49” was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article alleges TD was an FBI informant and publishes information from several CHS Discovery reports. I have reviewed the CHS Discovery and observed the information published by Hunt to exactly match FD-1023 reports which were issued in the CHS Discovery as MNWR_0059582, MNWR_0059583, MNWR_0059585, MNWR_0059586, MNWR_0059590, MNWR_0059591, MNWR_0059594, MNWR_0059595, MNWR_0059596, MNWR_0059598, MNWR_0059599, and MNWR_0059600.

31. On December 23, 2016, in the Comments section of Burns Chronicles No 49, an individual posted the following question: “Gary, Are you going to publish these government forms?” Later that same day HUNT replied:

Absolutely not. First, there were conditions set by my source. Second, each document is clearly marked, “Dissemination Limited by Court Order”. Though I don’t see that I am bound by the Court Order, I have agreed not to disseminate them. Now, as to whether the source disseminated them, I think not. That is because of out (sic) agreement that I would only excerpt from hem (sic), and that is all that I intend to do. There are many that question whether I am falsely representing what they say. That is their prerogative. All of us read things. When we are finished reading, we decide whether we believe them, or not. I stand behind what I have written, and I am willing to discuss them with the subjects, on Internet radio, if they prefer. However, exception of McConnell, none of even declared their innocence, at least t te (sic) best of my knowledge. I will state that all that I know from my investigation is not necessarily included in my articles. Perhaps, if they know that, it would explain their silence. I find myself, once again having to deal with my accusers, however, I don’t run from it — I take it head on.

32. On December 28, 2016, an article by HUNT titled “Burns Chronicles No 51” was posted on the Outpost of Freedom blog at <http://outpost-of-freedom.com>. This article alleges WK was an FBI informant and publishes information from several CHS Discovery reports. I have reviewed the CHS Discovery and observed the information published by Hunt to exactly

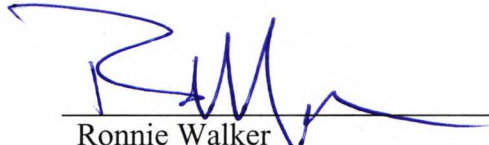
match FD-1023 reports which were issued in the CHS Discovery as MNWR_0059646, MNWR_0059650, MNWR_0059651, MNWR_0059652, MNWR_0059648, MNWR_0059653, MNWR_0059654, and MNWR_0059655.

33. Following the arrest of all of the above named defendants in this investigation, I was tasked with assisting the United States Attorney's Office with discovery matters and with trial preparation. In that capacity, I became aware of the defense attorneys and their staff for the above named defendants. Further, I attended the above mentioned September/October 2016 trial and routinely worked with the defense attorneys and their staff. I have spoken with Assistant United States Attorney (AUSA) Geoffrey Barrow who was primarily responsible for discovery production and was one of the prosecutors for the September/October trial. To my knowledge, and according to AUSA Barrow, Gary HUNT was never identified as a member of the staff of any of the defense counsel for the above named defendants nor was he a person who had any legitimate reason to possess any discovery from this investigation.

34. On January 5, 2017, Special Agent Matthew Catalano telephonically contacted Gary HUNT and requested a meeting. Before agreeing to meet Agent Catalano, HUNT confirmed there was no arrest warrant issued for him. Agent Catalano and HUNT met at a restaurant near HUNT's residence. During the meeting HUNT acknowledged he knew of the court order limiting dissemination of the discovery material but stated he was not bound by the court order. HUNT was provided a copy of a letter from AUSA Pamala Holsinger which demanded HUNT to cease and desist public dissemination of protected material within 24 hours. HUNT was also provided a copy of the final Protective Order, court record 342. HUNT said he anticipated a cease and desist order from the government. HUNT indicated he did not intend to comply with the terms of the letter. HUNT said if it could be proven that his actions were statutorily criminal he would stop doing what he is doing. HUNT informed Special Agent Catalano that he had two more articles outing CHSs in their final review stage before he uploads them. HUNT stated it was necessary to out the CHSs so they could serve as defense witnesses in the next trial. This meeting concluded at approximately 12:20 PM.

35. As of 3:00 PM today, January 6, 2017, Gary HUNT has not removed the protected content from the Outpost of Freedom blog at <http://outpost-of-freedom.com> nor has he contacted Special Agent Catalano to arrange for the return of the discovery materials.

36. Based on the foregoing, I believe that Gary HUNT has disseminated and continues to disseminate the discovery materials in violation of the final Protective Order, court record 342.



Ronnie Walker
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 6th day of January 2017.



NOTARY PUBLIC FOR OREGON

